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GARDEN CITY, NY 11530

EXAMINER

KNAPP, JUSTIN R

ART UNIT	PAPER NUMBER
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2182

DATE MAILED: 08/27/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Applicati n N

09/717,886

Applicant(s)

KANAZAWA, YUKIKO

Examiner

Justin Knapp

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 16 June 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Examiner's Notes***

1. The 35 U.S.C. 112, 2<sup>nd</sup> paragraph rejection on claims 9-12 has been withdrawn.

Handwritten signature and initials, possibly "J. Lee" or similar, in cursive script.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 13, 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Shinji, et al (herein referred to as Shinji), Japanese Publication Number 08-163038.
4. Referring to claim 1, Shinji has taught a wireless keyboard for use in transmitting an input signal input by operation of keys thereof to an information processing device, comprising: transmitting means for transmitting said input signal input by operation of said keys to said information processing device at a predetermined transmission level (see figure 1, elements 5,7); receiving means for receiving a reception level of said input signal from said information processing device (see figure 1, elements 6,8); and said predetermined transmission level of said input signal being switched dependent on a combination of the transmission level of said input signal and the reception level received in said receiving means. Shinji has taught a decoding means to control the electrical signal of the transmission level that starts at a predetermined level, which is switchable depending on the transmission level and the reception level.

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5. Referring to claim 13, Shinji has taught an information processing device having a wireless keyboard operable as input means, said information processing device comprising: a receiving portion for receiving an input signal transmitted from said wireless keyboard (see figure 1);
- a reception level detecting portion for detecting and outputting the reception level upon receiving said input signal (see figure 1); and
- a transmitting portion for transmitting said reception level outputted from said reception level detecting portion to said wireless keyboard, said wireless keyboard switching the transmission level of the input signal transmitted from said wireless keyboard according to said reception level (see figure 1 and well as the rejection of claim 1).
6. Referring to claim 14, Shinji has taught an information processing device wherein said transmitting portion transmits said reception level in sequence at regular intervals (see figure 2).

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 2, 9, 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shinji.
9. Referring to claim 2, Shinji has taught a wireless keyboard for use in transmitting an input signal by operation of keys thereof to an information processing device, comprising:

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transmitting means for transmitting said input signal input by operation of said keys to said information processing device at a predetermined transmission level (as taught herein above); receiving means for receiving a reception level of said input signal from said information processing device (as taught in herein above) and transmission level switching means for receiving a new transmission level set by said transmission level setting means and switching the transmission level of the input signal transmitted through said transmitting means into the new transmission level (as taught herein above).

Shinji has not explicitly taught a first transmission level setting means for storing the transmission level of said input signal transmitted from said transmitting means and setting a new transmission level with reference to a predetermined transmission level setting table in accordance with a combination of said transmission level and said reception level upon receiving the reception level from said receiving means. However, Shinji has disclosed a teaching that is able to control and change the amount of drive current to a variety of values. Having such teachings, it would have been obvious for one of ordinary skill in the art at the time the invention was made to have developed a transmission level setting table for the purpose of controlling the amount of drive current disclosed by Shinji.

10. Referring to claim 9, Shinji has not explicitly taught a wireless keyboard further comprising an integrated battery and power supply switching means for switching power supply by an operation of a user wherein the power supply from said integrated battery to an internal circuit is stopped by said power supply switching means by the operation of the user. However, official notice is taken that the motive and modification necessary to comprising an integrated

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battery and power supply switching means is well known in the art. One of ordinary skill in the art would have been motivated to do this to an electronic device for the purpose of saving the power of an integrated battery by stopping its power flow to an internal circuit wherein instead, the internal circuit receives the necessary power from another power supply source such as an A/C adapter for an outlet in the wall when available.

11. Referring to claim 15, Shinji has not explicitly taught a transmission level switching system comprising a combination of the wireless keyboard as claimed in claim 2 and the information processing device as claimed in claim 13. However, given the reasons as explained in the rejection of claim 2, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the a transmission level switching system taught in the rejection of claim 2 within the information processing device also using a wireless keyboard.

12. Claims 3 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shinji in view of Hu, et al (herein referred to as Hu), United States Patent Number 5,999,799.

13. Referring to claim 3, Shinji has taught a wireless keyboard for use in transmitting an input signal by operation of keys thereof to an information processing device, comprising: transmitting means for transmitting said input signal input by operation of said keys to said information processing device at a predetermined transmission level (as taught herein above); receiving means for receiving a reception level of said input signal from said information processing device (as taught herein above); and transmission level switching means for receiving a new transmission level set by said transmission level setting means and switching the transmission level of the input signal

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transmitted through said transmitting means into the new transmission level (as taught herein above).

Shinji has not explicitly taught second transmission level setting means for storing the transmission level of said input signal transmitted from said transmitting means and setting a new transmission level with reference to a predetermined transmission level setting table in accordance with a combination of said transmission level and said reception level upon receiving the reception level from said receiving means, said second transmission level setting means detecting a distance information between said wireless keyboard and said information processing device with reference to a predetermined distance information table in accordance with said combination of said transmission level and said reception level upon receiving said reception level from said receiving means and a distance information display means for displaying said distance information upon receiving said distance information. However, Hu has taught a wireless device that stores distance information in accordance with the transmission and reception levels and a distance information display means to alert a user that the user is currently out of range and can not use the wireless device (see column 1, line 63 through column 2, line 24). It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Hu within the system disclosed by Shinji to store distance information in a settings table. One would have been motivated to do this as it would allow a user using the device disclosed by Shinji to be alerted as to when the device was out of range. Furthermore, it would be advantageous to utilize the distance information stored by Hu to dictate the switching of transmission levels as taught by Shinji while the device is in range and a maximum transmission level has not been exceeded.

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14. Referring to claim 10, Shinji in view of Hu has not explicitly taught a wireless keyboard further comprising an integrated battery and power supply switching means for switching power supply by an operation of a user wherein the power supply from said integrated battery to an internal circuit is stopped by said power supply switching means by the operation of the user. However, official notice is taken that the motive and modification necessary to comprising an integrated battery and power supply switching means is well known in the art. One of ordinary skill in the art would have been motivated to do this to an electronic device for the purpose of saving the power of an integrated battery by stopping its power flow to an internal circuit wherein instead, the internal circuit receives the necessary power from another power supply source such as an A/C adapter for an outlet in the wall when available.

15. Claims 4 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shinji in view of Kenji, Japanese Publication Number 63-189924.

16. Referring to claim 4, Shinji has not explicitly taught a wireless keyboard further comprising:

a timer for counting a timer period from a first time that said input signal is transmitted from said transmitting means to a second time that said reception level is received by said receiving means and for outputting a time-out signal in the event said reception level is not transmitted within a predetermined time period; and

communication failure indicating means for indicating the communication failure upon receiving the time-out signal.

However, Kenji has taught a timer for counting a timer period from a first time that said input signal is transmitted from said transmitting means to a second time that said reception level is



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received by said receiving means and for outputting a time-out signal in the event said reception level is not transmitted within a predetermined time period, and a communication failure indicating means for indicating the communication failure upon receiving the time-out signal.

(see Abstract). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated Kenji's teachings within the system disclosed by Shinji. One would have been motivated to do so to improve the reliability of the system.

17. Referring to claim 11, Shinji in view of Kenji has not explicitly taught a wireless keyboard further comprising an integrated battery and power supply switching means for switching power supply by an operation of a user wherein the power supply from said integrated battery to an internal circuit is stopped by said power supply switching means by the operation of the user. However, official notice is taken that the motive and modification necessary to comprising an integrated battery and power supply switching means is well known in the art. One of ordinary skill in the art would have been motivated to do this to an electronic device for the purpose of saving the power of an integrated battery by stopping its power flow to an internal circuit wherein instead, the internal circuit receives the necessary power from another power supply source such as an A/C adapter for an outlet in the wall when available.

18. Claims 5 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shinji in view of Hu in further view of Kenji.

19. Referring to claim 5, Shinji in view of Hu has not explicitly taught a wireless keyboard further comprising:

a timer for counting a timer period from a first time that said input signal is transmitted from said transmitting means to a second time that said reception level is received by said receiving means

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and for outputting a time-out signal in the event said reception level is not transmitted within a predetermined time period; and

communication failure indicating means for indicating the communication failure upon receiving the time-out signal.

However, Kenji has taught a timer for counting a timer period from a first time that said input signal is transmitted from said transmitting means to a second time that said reception level is received by said receiving means and for outputting a time-out signal in the event said reception level is not transmitted within a predetermined time period, and a communication failure indicating means for indicating the communication failure upon receiving the time-out signal.

(see Abstract). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated Kenji's teachings within the system disclosed by Shinji in view of Hu. One would have been motivated to do so to improve the reliability of the system.

20. Referring to claim 12, Shinji in view of Hu in further view of Kenji has not explicitly taught a wireless keyboard further comprising an integrated battery and power supply switching means for switching power supply by an operation of a user wherein the power supply from said integrated battery to an internal circuit is stopped by said power supply switching means by the operation of the user. However, official notice is taken that the motive and modification necessary to comprising an integrated battery and power supply switching means is well known in the art. One of ordinary skill in the art would have been motivated to do this to an electronic device for the purpose of saving the power of an integrated battery by stopping its power flow to an internal circuit wherein instead, the internal circuit receives the necessary power from another power supply source such as an A/C adapter for an outlet in the wall when available.

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21. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shinji in view of Yoshikazu, Japanese Publication Number 02-235499. Shinji has not taught a wireless keyboard wherein said transmission level setting table has a minimum transmission level which is set therein and which can be received and detected normally by said information processing device even in the distance information between said wireless keyboard and said information processing device detected by said second transmission level setting means. However, Yoshikazu has taught a wireless device containing transmission reception unit and output level registers that are used to determine and select the least transmission output that can be used from a keyboard to the main body (see abstract). Given this teaching, it would have been obvious to one of ordinary skill in the art to have used the transmission detection system disclosed by Yoshikazu to determine a minimal transmission setting and incorporate the minimum setting within a setting table. One would have been motivated to do this as a minimal setting would provide the most efficient use of power in a wireless setup while still being reliable.

22. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shinji in view of Kenji in further view of Yoshikazu. Shinji in view of Kenji has not taught a wireless keyboard wherein said transmission level setting table has a minimum transmission level which is set therein and which can be received and detected normally by said information processing device even in the distance information between said wireless keyboard and said information processing device detected by said second transmission level setting means. However, Yoshikazu has taught a wireless device containing transmission reception unit and output level registers that are used to determine and select the least transmission output that can be used from a keyboard to the main body (see abstract). Given this teaching, it would have been obvious to one of ordinary

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skill in the art to have used the transmission detection system disclosed by Yoshikazu to determine a minimal transmission setting and incorporate the minimum setting within a setting table. One would have been motivated to do this as a minimal setting would provide the most efficient use of power in a wireless setup while still being reliable.

23. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shinji in view of Hu in further view of Kenji in further view of Yoshikazu. Shinji in view of Hu in further view of Kenji has not taught a wireless keyboard wherein said transmission level setting table has a minimum transmission level which is set therein and which can be received and detected normally by said information processing device even in the distance information between said wireless keyboard and said information processing device detected by said second transmission level setting means. However, Yoshikazu has taught a wireless device containing transmission reception unit and output level registers that are used to determine and select the least transmission output that can be used from a keyboard to the main body (see abstract). Given this teaching, it would have been obvious to one of ordinary skill in the art to have used the transmission detection system disclosed by Yoshikazu to determine a minimal transmission setting and incorporate the minimum setting within a setting table. One would have been motivated to do this as a minimal setting would provide the most efficient use of power in a wireless setup while still being reliable.

#### ***Response to Arguments***

24. Applicant's arguments filed 06/16/03, paper number 6, have been fully considered but they are not persuasive.

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25. Applicant argues in the Remarks with respect to claim 1 on page 8 in essence that:

“Shinji fails to teach a predetermined transmission level that is switched, depending on a combination of the transmission level and the reception level of the input signal.”

These arguments have not been found persuasive because Shinji does in fact teach this element.

Using the online Japanese to English translation tool at <http://www.ipdl.jpo.go.jp>, the following was translated from Shinji:

“this invention consists of the wireless input section and a wireless transducer, in order to attain the above-mentioned purpose. the wireless input section The key input means which consisted of two or more keys, and an encoding means to create the electrical signal for detecting the on-off state of a key and sending to an optical transmitting means, An optical transmitting means to transmit to the optical receiving means of the wireless transducer which changed the above-mentioned electrical signal into the wireless lightwave signal, and was connected to the main part, It has the optical receiving means which receives the wireless lightwave signal sent from the optical transmitting means of the wireless transducer connected to the main part, changes into an electrical signal, and is conveyed to the encoder section. a wireless transducer The optical receiving means which receives the wireless lightwave signal sent from the optical transmitting means of the wireless input section, changes into an electrical signal, and is conveyed to a decoding means, An optical transmitting means to change into a wireless lightwave signal the electrical signal sent from a decoding means, and to transmit to the optical receiving means of the wireless input section, By having the above-mentioned optical receiving means, the above-mentioned optical transmitting means, and a decoding means to control the electrical signal between main parts It has the current control means which can control at least two or more kinds of amounts of drive current which are the wireless input unit which can perform bidirectional communication, and are supplied to a light-emitting part article. When the two-way communication by the wireless lightwave signal is not materialized in the number-of-times continuation of specification, or addition, the amount of drive current supplied to a light-emitting part article is changed one by one.  
[0007]

[Function] Therefore, according to the wireless input unit of this invention, when the two-way communication by the wireless lightwave signal is not materialized in the number-of-times continuation of specification, or addition, a large use range can be taken by changing the amount of drive current supplied to a light-emitting part article one by one.”

This has been interpreted to mean Shinji teaches a wireless connection between a transmitter and receiver that is capable of a wide range of transmission levels dependent on the transmission and

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reception levels on each end. The wide range is changed by altering the amount of drive current supplied to a light-emitting part that is eventually converted into the electrical signal that is transmitted.

26. Applicant argues in the Remarks with respect to claim 2 on page 9-10 in essence that:

“Shinji discloses a current control means that controls a drive current fed to a light-emitting element. Therefore, when 2-way communication by the wireless optical signal is not established consecutively for a specific number of times, the drive current supplied to the light-emitting element is sequentially changed. This feature appears to let the user know if 2-way communication is established or not through the use of a light-emitting element, and controlling the drive accordingly.”

“Shinji does not teach switching the transmission level”

As shown herein above, with the use of the online translation, the Examiner believes that the drive current controlled light-emitting element is converted to the electrical signals that are transmitted as well as the drive current provides a means to switch transmission levels. It does not appear to just be a light for indicating if 2-way communication is established or not.

27. Applicant argues in the Remarks with respect to claim 3 on page 10-11 in essence that:

“Hu discloses that a wireless device is inoperable after a certain distance is attained from the remote control device and the information processing device.”

The wireless device of Hu has a distance warning circuit (column 2, lines 9-24) to indicate after a certain distance (the maximum transmission level) that the device will be inoperable. At this point a transmission can not be established. The fact that Hu needs to store the distance information to be able to determine when the wireless device is inoperable in combination with Shinji's switchable transmission level means would be obvious as taught supra. This would meet the limitation in the claim by allowing the system of Shinji to switch transmission levels of an input signal based on the distance information stored between a wireless device and the processing device. An added advantage is the distance warning circuitry of Hu would indicate

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when the transmission level would no longer be switchable because a maximum transmission range between the wireless device and the processing device has been exceeded.

28. Applicant's arguments with respect to amended claim 13 have been considered but are moot in view of the new ground(s) of rejection.

### *Conclusion*

29. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Applicant is reminded that in amending in response to a rejection of claims, the patentable novelty must be clearly shown in view of the state of the art disclosed by the references cited and the objections made. Applicant must also show how amendments avoid such references.

30. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin Knapp whose telephone number is (703) 308-6132. The examiner can normally be reached on Mon - Fri 9 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin can be reached on (703) 308-3301. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Justin Knapp  
Examiner  
Art Unit 2182

August 21, 2003

  
KIM HUYNH  
PRIMARY EXAMINER

8/25/03